

SENATE BILL 355

Unofficial Copy  
E1

2004 Regular Session  
4r1136  
CF 4r1888

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By: **Senators Stone and Giannetti (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: February 4, 2004

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Resisting or Hindering Arrest - Prohibited**

3 FOR the purpose of prohibiting a person from intentionally interfering with or fleeing  
4 from a police officer who is making or attempting to make a lawful arrest or  
5 detention of the person or another person under certain circumstances;  
6 authorizing the imposition of a sentence separate from and consecutive to or  
7 concurrent with a sentence of another crime under certain circumstances;  
8 providing for the unit of prosecution under this Act; establishing certain  
9 penalties; defining a certain term; and generally relating to resisting arrest by  
10 interfering with or fleeing from a police officer.

11 BY adding to

12 Article - Criminal Law

13 Section 9-408

14 Annotated Code of Maryland

15 (2002 Volume and 2003 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Criminal Law**

19 9-408.

20 (A) IN THIS SECTION, "POLICE OFFICER" MEANS AN INDIVIDUAL WHO IS  
21 AUTHORIZED TO MAKE AN ARREST UNDER TITLE 2 OF THE CRIMINAL PROCEDURE  
22 ARTICLE.

23 (B) A PERSON MAY NOT INTENTIONALLY:

24 (1) INTERFERE WITH AN INDIVIDUAL WHO THE PERSON HAS REASON TO  
25 KNOW IS A POLICE OFFICER WHO IS MAKING OR ATTEMPTING TO MAKE A LAWFUL  
26 ARREST OR DETENTION OF THE PERSON OR ANOTHER PERSON; OR

1           (2)     FLEE FROM AN INDIVIDUAL WHO THE PERSON HAS REASON TO  
2 KNOW IS A POLICE OFFICER WHO IS MAKING OR ATTEMPTING TO MAKE A LAWFUL  
3 ARREST OR DETENTION OF THE PERSON.

4           (C)     A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
5 AND IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT  
6 EXCEEDING \$5,000 OR BOTH.

7           (D)     A SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED SEPARATE  
8 FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME  
9 NOT ENUMERATED IN THIS SECTION THAT IS BASED ON THE ACT ESTABLISHING THE  
10 VIOLATION OF THIS SECTION.

11          (E)     THE UNIT OF PROSECUTION FOR A VIOLATION OF THIS SECTION IS BASED  
12 ON THE ARREST OR DETENTION REGARDLESS OF THE NUMBER OF POLICE OFFICERS  
13 INVOLVED IN THE ARREST OR DETENTION.

14          SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2004.